

Remarks

I. Introduction

Claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-103 are pending. By this amendment, claims 1, 24, 33, 55 and 100-102 are amended to more clearly distinguish over the prior art of record and/or to correct other non-substantive deficiencies. Claim 103 is added. The amendments and new claim find support throughout the original disclosure, at least at Figs. 14-16 and the corresponding portions of the specification. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration of this application is respectfully requested.

II. Claim Objections

The Office Action at page 7 objects to Claim 100. Claim 100 is amended herewith to address the noted informality. Accordingly, applicants respectfully request withdrawal of the claim objection.

III. Declaration Under 37 CFR § 1.132

Applicants respectfully request that the statements in the Declaration of co-inventor Robert H. Woosley be afforded their proper evidentiary weight during examination. As noted in the Declaration, both “general ledger” and “financial statement” have specific meanings in the context of accounting to which the present claims are directed. The Office Action at page 2 notes that the statements in the Declaration are “useful but not dispositive of the rejections” and asserts that the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness. It is noted, however, that the analysis provided by Office Action appears to decline to balance the weight of competing evidence. Instead, the Action simply dismisses the

statements in the Declaration as merely “assertions and conclusions” without any explanation.

Applicants respectfully submit that the Woosley Declaration provides important evidence relating to the scope of the claims by one skilled in the relevant art. During examination, claims are given their broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005); MPEP 2111. Accordingly, it is respectfully requested that the Declaration evidence be properly considered.

IV. Rejections under 35 U.S.C. § 103(a)

The Office Action rejects claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-102 under 35 U.S.C. § 103(a) as allegedly obvious over *Lewis* (U.S. Patent No. 6,513,019) in view of *MaGuire, III et al.* (Published U.S. Patent Application No. 2004/0059651, *MaGuire*). In view of the amendments made to the claims and the remarks set forth below, Applicants respectfully traverse these rejections.

As a preliminary matter, Applicants respectfully maintain (and for compactness of the record, incorporate by reference) Applicants’ previous arguments from the previous Amendment filed July 29, 2008. Understanding that the Office gives claims their broadest reasonable interpretation in view of the disclosure, Applicants respectfully submit that *Lewis* cannot fairly be said to teach the claimed financial statement information originating from an accounting system used by a submitting business to maintain its general ledger. Moreover, merely grafting certain accounting-based teachings from *MaGuire* onto *Lewis*’s system for managing financial instruments and related transactions does not render the claims obvious. Directed to a system for allowing real-time risk management and regulatory compliance for banks and brokerages, *Lewis*

is unconcerned with receiving accounting or financial statement information of a submitting business outside the bank or brokerage.

Moreover, transplanting the accounting standard conversion of *MaGuire* into the *Lewis* system is based on an unclear motivation (Office Action at page 10) and requires a substantial number of unarticulated modifications to *Lewis* to arrive at Applicants' claimed method and system. For example, it is unclear to Applicants what is meant by:

"[I]t would have been obvious . . . to apply a conversion map process . . . to convert accounting information for one business under one set chart of accounts to a standard chart of accounts for consolidating financial accounting information, with the advantage of consolidating and aggregating the most accurate financial information available on the business, the accounting information as reported by the business' own ledger-based accounting. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of *Lewis*' system according the stated advantages and benefits of such analyses." Office Action at p.10.

Moreover, it remains unclear how *Lewis*'s system, related to assessing the real-time financial position of the data-aggregating business, is to be modified to accept accounting information corresponding to the financial status of an external/submitting business, or how this information would be beneficially aggregated with the other data collected by *Lewis*'s system. Thus, it is respectfully submitted that the combination of *MaGuire* with *Lewis* appears to be the product of impermissible hindsight as opposed to a properly articulated motivation to combine prior art references.

However, with a view towards expediting prosecution, Applicants' respectfully submit the following amendments and supporting remarks.

A. Independent Claims 1, 24, 33, 55 and 100-102

Amended Claim 1 recites, *inter alia*, financial statement information associated with the contributing business and originating from a financial accounting system used by the

B. Dependent Claims

For at least the reasons described above, it is respectfully submitted that the remaining dependent claims distinguish over the prior art of record without resort to the separately patentable features recited therein.

With regard to dependent claims 6, 19, 38 and 50, the Office Action at page 6 asserts that the certain previously officially noticed facts, which included comparing the performance of a stock or other financial instrument to an average stock price index, are deemed admitted prior art. *See* MPEP 2144.03. As best understood by applicants, the Action had taken official notice that it was well known to “compare the performance of a *stock or other financial instrument* as measured by its *price*, to an industry or sector *price index*, the index computed as an average of *stock price* for the industry or sector. Such comparison is known to provide a measure of the relative performance of a *securities* [sic] price to its industry *peer stocks*” (emphasis added). With this understanding and as to not impede prosecution on a likely minor issue, applicants did not traverse on the grounds that the officially noticed fact was not common knowledge. However, applicants made no admission as to any common knowledge of the claimed feature of an industry average for a performance metric, which feature is recited in the context of providing an alert identifying a performance metric of converted financial statement information having a variance from a predetermined value representative of an industry average. Thus, applicants respectfully submit that the taking of official notice regarding stock indices still does not remedy the noted deficiencies of *Lewis* regarding applicants’ claimed financial statement information originating from a financial accounting system used by a contributing business to maintain its general ledger accounting records.

Concerning claim 3, the Office Action at page 3 asserts that *Lewis* teaches applicants’ claimed alert indicator. This confusing rejection is illustrative of the grafting approach to the

obviousness rejections that leaves it entirely unclear to applicants which reference is being relied upon to teach the claimed features, and exactly what modifications to the underlying primary prior art reference is being asserted in the Office Action. This lack of clarity deprives applicants of a fair opportunity to reply to the rejections. *See* MPEP 706.02(j). In particular, the Action asserts that *Lewis* “teach[es] alerts electronically sent to users when a limit has been exceeded on financial statement information received and converted into the system.” Aside from applicants’ continued objection to the “financial statement information issue,” applicants’ respectfully note that the claim recites “at least one alert indicator to identify at least one performance metric of the *converted financial statement information*.” As the Action at page 9 concedes that *Lewis* does not teach applicants’ conversion feature, which feature yields the converted financial statement information being claimed, it is respectfully submitted that this rejection is improper.

Furthermore, new dependent claim 103 recites, *inter alia*, generating a conversion map including providing a graphical user interface displaying user-defined performance classifications, standard performance classifications and indicators of correspondences therebetween, receiving user input through a selected indicator to correlate one or more user-defined performance classifications to one or more respective standardized performance classifications, and creating or modifying the conversion map according to the user input. In a non-limiting embodiment, Fig. 15 illustrates an exemplary implementation of a map editor webpage 842. A list of user-defined performance classifications are listed in a table 1502. Some or all of the standard performance classifications are listed in a nested list 1510. By selecting a check box 1512 next to a user-defined performance classification and selecting a map icon 1514 associated with a standard performance classification, a user may provide input that indicates

correlations between one or more user-defined performance classifications and a standard performance classification. *See* Specification at ¶¶ 0095-0098.

Acknowledging that *Lewis* does not teach applicants' claimed converting feature, the Office Action at page 9 applies *MaGuire* to remedy this deficiency. It is respectfully submitted, however, that *MaGuire* is silent with regard to creating or modifying a conversion map. Instead, the conversion engine 12 of *MaGuire* is explicitly taught to selectively process data records in accordance with rules in a rules database 14. *MaGuire* at ¶ 0022. The conversion engine examines a certain one or more of the fields in the data record to determine whether a rule for converting the data record exists in the rules database 14. *Id.*

For at least these reasons, it is respectfully submitted that new claim 103 distinguishes over the art of record.

IV. Conclusion

Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are respectfully requested. Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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contributing business to maintain its general ledger accounting records, wherein the financial statement information collectively corresponds to the overall financial state of the submitting business. Independent claims 24, 33, 55 and 100-102 are amended to recite substantially similar features.

Lewis does not teach or suggest at least financial statement information collectively corresponding to an overall financial state of a submitting business. Instead, *Lewis* describes receiving stochastic data records from plural disparate systems and data sources relating to financial transactions, instruments, customers, counterparties, employees, organizational units and institutions. *Lewis* at Col. 4, ll. 54-59. By aggregating these separate data flows, *Lewis*'s system attempts to allow a financial services provider to monitor its risk-exposure, inventory, liquidity in real-time, while also facilitating regulatory compliance and client communications. *Lewis* at Col. 3, ll. 1-31. *Lewis*'s system does not, however, deal with or involve financial statement information as claimed by applicants, where the financial statement information originates from a financial accounting system used by the contributing business to maintain its general ledger accounting records and collectively corresponds to an overall financial state of a submitting business. The data being received and processed in *Lewis* (financial transactions, market data updates and customer/counterparty data) is used to create a snapshot of the risk-exposure, etc. of the receiving business, and does not collectively correspond to an overall financial state of a submitting business. Rather, *Lewis* is a transaction aggregating system. The background of *Lewis* makes it clear that this system is intended to support sophisticated transactions and associated record keeping for the financial industry — banks, brokerage firms, and investment managers all of whom consider timely, accurate, and complete processing of transactions fundamental to the success of their businesses. *See Lewis* at Col. 1, lines 16-33.

As discussed in detail in the previous response to the last non-final rejection, *Lewis* simply does not receive the same data as the claimed invention. The former receives messages of 1 of 3 types: (1) pertaining to a financial transaction, (2) pertaining to a market update, or (3) pertaining to a customer/counter party update. The specification describes the last type as a change in a credit rating or a corporate action or bankruptcy announcement. *See Lewis* at Col. 13, lines 59-64. In contrast, in the system of the claimed invention, financial data is received that is taken from the submitting business' general ledger accounting system corresponding to the overall financial state of the submitting business. This distinction between *Lewis* and the claimed invention is significant because the data is directly related to the remaining claim elements. In other words the remaining claim elements are nonsensical if the data messages received in the System of *Lewis* are used as the received data in the system at the claimed invention. *Lewis* simply does not disclose the remaining independent claim elements nor is it capable of performing the remaining claim steps. Accordingly, *Lewis* does not teach or suggest all features of applicants' Claim 1.

MaGuire does not remedy the noted deficiency with respect to *Lewis*. In *MaGuire*, a conversion engine 12 is supplied with data records of various types. *MaGuire* at ¶ 0021. *MaGuire* describes discrete data records (such as journal entries based on transactions) and selectively applying rules to the record if an applicable rule exists in a rules database 14. Thus, it is respectfully submitted that *MaGuire*'s selective conversion of records does not teach or suggest financial statement information collectively corresponding to the overall financial state of the submitting business.

Accordingly, as neither *Lewis* nor *MaGuire* teach or suggest at least that financial statement information collectively corresponds to the overall financial state of the submitting

business, it is respectfully requested that the obviousness rejections of the independent claims be withdrawn.

B. Dependent Claims

For at least the reasons described above, it is respectfully submitted that the remaining dependent claims distinguish over the prior art of record without resort to the separately patentable features recited therein.

With regard to dependent claims 6, 19, 38 and 50, the Office Action at page 6 asserts that the certain previously officially noticed facts, which included comparing the performance of a stock or other financial instrument to an average stock price index, are deemed admitted prior art. *See* MPEP 2144.03. As best understood by applicants, the Action had taken official notice that it was well known to “compare the performance of a *stock or other financial instrument* as measured by its *price*, to an industry or sector *price index*, the index computed as an average of *stock price* for the industry or sector. Such comparison is known to provide a measure of the relative performance of a *securities* [sic] price to its industry *peer stocks*” (emphasis added).

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associated with a standard performance classification, a user may provide input that indicates correlations between one or more user-defined performance classifications and a standard performance classification. *See* Specification at ¶¶ 0095-0098.

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